

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. Claim 1 has been hereby amended. Claims 1-21 are pending for further examination.

Claims 1-3, 5-9, 13-16, 18, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Martin et al. (U.S. Pat. 5,355,302) in view of Barone et al. (U.S. Pat. 5,315,711) and Gordon (U.S. Pat. 5,920,700). Applicant submits that the applied references do not teach or suggest all elements of the claimed combination.

For example, claim 1 as amended recites, *inter alia*, “a second series of screens that the operator can use from the remote device to order at least one song for downloading to at least one of the selected audiovisual information reproduction devices or to delete at least one song, the ordering or instructed deletion resulting in updating a file on the server, which is then downloaded by the at least one selected audiovisual information reproduction device from the server.”

The Office Action concedes that Martin and Barone do not teach this element and introduces Gordon to compensate for the deficiency of Martin and Barone. According to the Office Action “Gordon teaches displaying information that the operator can use to order at least one song for downloading to at least one of the selected audiovisual information reproduction devices or to delete at least one song (col. 5, line 40 – col. 6, line 15). Applicant respectfully submits that this is a mischaracterization of what is taught at the cited portion of Gordon.

Gordon does teach that “the resource manager 102 receives a request, for example, from a user or a manager to transfer an asset.” (Col. 5, lines 48-49). The user, however, is an end-user, meaning that there is no instruction from a remote device, to a server, and then to the end-user, but rather that the instruction is from the end-user and the result is back to the end-user. Thus, this teaching of user exempts the claimed remote device. This teaching would be more akin to ordering a song directly from an audiovisual information reproduction device to be played/downloaded/deleted from that device.

The “manager” reference in Gordon is not a physical person, but rather an automated process. Gordon repeatedly uses the word “manager” in reference to automated processes, and thus this request comes not from a manager person, at a remote location, but rather a manager process.

Thus, there is no teaching or suggestion in Gordon that there are screens which an “operator can use from the remote device to order at least one song for downloading to at least one of the selected audiovisual information reproduction devices or to delete at least one song.” Further, there is no teaching or suggestion in Gordon that “the ordering or instructed deletion resulting in updating a file on the server, which is then downloaded by the at least one selected audiovisual information reproduction device from the server.”

For at least this reason, Applicant submits that claim 1 is allowable over the prior art of record. Claims 2-3, 5-9, 13-16, 18, and 20 should be allowable based at least on their dependency from allowable claim 1.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Martin/Barone/Gordon combination and further in view of Nichols (U.S. Pat. 6,138,150). Nichols, however, does not rectify the shortcomings of the Martin/Barone/Gordon combination with respect to claim 1, from which claim 4 depends. Thus, based at least on its dependency from claim 1, claim 4 should be allowable over the prior art of record.

Claims 10, 17 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Martin/Barone/Gordon combination further in view of Kleiman (U.S. Pat. 5,959,945). Kleiman, however, does not rectify the shortcomings of the Martin/Barone/Gordon combination with respect to claim 1, from which claims 10, 17 and 19 depend. Thus, based at least on their dependency from claim 1, claims 10, 17 and 19 should be allowable over the prior art of record.

Claims 11 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Martin/Barone/Gordon combination further in view of Rhoads (U.S. Pat. 6,311,214). Rhoads, however, does not rectify the shortcomings of the Martin/Barone/Gordon combination with respect to claim 1, from which claims 11 and 21 depend. Thus, based at least on their dependency from claim 1, claims 11 and 21 should be allowable over the prior art of record.

Applicant respectfully submits that claims 1-21 are in condition for allowance for at least the reasons presented herein. Applicant believes that all pending claims clearly and patentably distinguish the prior art of record. Applicant therefore respectfully requests that the rejections of claims 1-21 be withdrawn and that claims 1-21 be allowed.

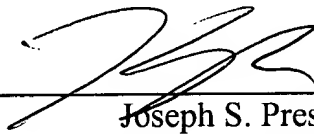
NATHAN et al
Appl. No. 09/584,797
March 25, 2008

Should the Examiner have any questions regarding this case, or deem that any formal matters need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Joseph S. Presta
Reg. No. 35,329

JSP:mg
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100